

Case 1:07-cv-00036-MAC-ESH Document 17 Filed 11/14/07 Page 1 of 2 PageID #: 213

EASTERN DISTRICT OF TEXAS

EARNEST CONROD, JR.

Petitioner,

versus

JOHN B. FOX,

Respondent.

CIVIL ACTION NO. 1:07-CV-36

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Earnest Conrod, Jr., proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be dismissed.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections asserted by plaintiff. After careful consideration, the court is of the opinion that the objections are without merit. Petitioner challenges three prison disciplinary convictions. As petitioner did not lose good conduct time credits as a result of one disciplinary conviction, the conviction may not be challenged in a petition for writ of habeas corpus as the conviction had no effect on the fact or duration of petitioner's confinement. Further, the magistrate judge correctly concluded that while petitioner did lose good conduct time credits as a result of the remaining two prison disciplinary convictions, his release from prison renders his challenge to these two convictions moot.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this petition for writ of habeas corpus.

SIGNED at Beaumont, Texas, this 14th day of November, 2007.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE